

Message Text

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PAGE 01 HAVANA 00858 142212Z
ACTION ARA-14

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EO 11652: N/A
TAGS: EAIR CU US
SUBJ: AIR CHARTER FLIGHTS: CUBANS REQUIRE COMPANY APPLICATIONS

REF: STATE 285598

1. BEGIN SUMMARY: USINT OFFICER (GLASSMAN) MET, DECEMBER 8, WITH DR. CELIA GIRONA, MINISTER OF FOREIGN RELATION (MINREX) AND ARMANDO PEREZ FIGURES, DIRECTOR OF AIR TRANSPORT, AVIATION SECTOR, MINISTRY OF TRANSPORT, TO REITERATE INVITATION FOR WASHINGTON TALKS WITH CAB AND TO PASS ON REFTEL INFORMATION ON US CHARTER PROCEDURES AND DOCUMENTARY REQUIREMENTS, CUBANS RESPONDED WITH DOCUMENTARY REQUIREMENTS OF THEIR OWN, AND RAISED SUBJECTS OF UPDATING 1953BILATERAL AIR AGREEMENT AND OF NEW "AIR COMMUTER" SERVICE. END SUMMARY

2. GIRONA AND PEREZ SAID THEY WOULD CONSIDER QUESTION OF WASHINGTON VISIT AND WOULD BE BACK IN TOUCH WITH USINT SHORTLY. WITH REGARD TO REGULATIONS APPLYING TO US CHARTER MODES (I.E., PRIVATE COMMERCIAL CARRIAGE AND COMMON CARRIAGE), CUBANS ACKNOWLEDGED THAT THEY UNDERSTOOD US REQUIREMENTS. (USINT OFFICER STRESSED THAT REQUIREMENTS APPLY TO ALL STATES, NOT JUST CUBA.)

3. PEREZ THEN SAID, HOWEVER, THAT IN VIEW OF HEAVY US
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PAGE 02 HAVANA 00858 142212Z

AIR TRAFFIC TO CUBA (HE POINTED TO SOME 100 USG CHARTER AND BUSINESS FLIGHTS FROM JANUARY THROUGH NOVEMBER 1977--A LIST OF WHICH WE OBTAINED AND WILL POUCH TO ARA/CCA), IT IS CUBA, NOT US, THAT HAS GREATER NEED TO IMPOSE DOCUMENTARY REQUIREMENTS ON CHARTER OPERATORS. IN FACT, HE SAID, CUBA HAS REGULATIONS, APPLYING TO ALL STATES, WHICH REQUIRE THAT ANY COMPANY OPERATING MORE THAN FIVE RPT FIVE

FLIGHTS TO CUBA PER YEAR MUST RECEIVE OPERATING PERMISSION FROM CUBAN AERONAUTICAL AUTHORITIES. (COMMENT: PEREZ DID NOT INDICATE WHEN REGULATIONS WENT INTO FORCE, BUT STRIKING PARALLELISM WITH, AND APPARENT RECIPROCITY FOR, CAB COMMON CARRIAGE REQUIREMENTS RAISE POSSIBILITY THAT CUBANS MAY HAVE INTERCEPTED UNCLASSIFIED REFTEL AND DRAWN UP THEIR REGULATIONS IN RESPONSE. WHETHER OR NOT THIS IS TRUE, WE RECOMMEND THAT ALL SUBSEQUENT TRAFFIC ON MATTERS SUCH AS AVIATION AND FISHERIES BE TRANSMITTED AS L.O.U. WE WILL CHECK WITH CANADIANS AS TO WHETHER CUBAN CHARTER OPERATING PERMISSION REGULATIONS WERE IN FORCE EARLIER FOR THEM.)

4. REQUESTS FOR OPERATING PERMISSION BY COMPANIES WISHING TO OPERATE MORE THAN FIVE FLIGHTS PER YEAR TO CUBA MUST BE SENT TO AEROCIVIL CUBA, DIRECCION DE AERONAVEGACION, MINISTERIO DE TRANSPORTE, HAVANA, CUBA (TELEX ADDRESS WILL BE SUPPLIED SUBSEQUENTLY). LIST OF INFORMATION (PASSED ON ORALLY BY PEREZ, READING FROM TYPEWRITTEN NOTES) THAT MUST BE SUPPLIED BY AIR COMPANIES WISHING TO RECEIVE OPERATING PERMISSION IS AS FOLLOWS:

- A. NAME AND NATIONALITY OF APPLICANT;
- B. COMPANY FINANCIAL STATEMENT (E.G., BANK STATEMENT);
- C) TYPE OF SERVICE ENVISAGED (E.G., CHARTER);
- D) PROPOSED AIR ROUTE (E.G., MIAMI-HAVANA);
- E. TYPE OF AIRCRAFT TO BE USED, REGISTRATION NUMBERS, AND TECHNICAL PERSONNEL INVOLVED IN THEIR MAINTENANCE AND OPERATION;
- F. EVIDENCE OF INSURANCE COVERING DEATH, INJURIES OR DAMAGES TO LIMITED OFFICIAL USE

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PAGE 03 HAVANA 00858 142212Z

PASSENGERS, CARGO, LUGGAGE, AND PERSONS AND PROPERTY ON GROUND;
G. ANY OTHER DATA CONSIDERED NECESSARY. APPLICATION CONTAINING ABOVE INFORMATION MUST BE SIGNED AND DATED, WITH INDICATION OF POSITION OF SIGNING PERSON.

5. ADDITIONAL DOCUMENTS THAT MUST ACCOMPANY APPLICATION ARE:

- A. PROFF OF CITIZENSHIP OF APPLICANT IF IT IS A SINGLE PERSON, OR AUTHENTICATED COPY OF BYLAWS, STATUTES, OR GOVERNMENT DECREE CREATING ORGANIZATION, IF A CORPORATION IS APPLYING;
- B. USG (OR APPROPRIATE STATE) FLIGHT OPERATION PERMIT;
- C. A LIST OF THE DESTINATIONS AND INTERMEDIATE POINTS WHICH APPLICANT WISHES TO SERVE UNDER PERMIT;
- D. OPERATIONS MANUAL OF APPLICANT FIRM;
- E. MANUALS FOR AIRCRAFT THAT WILL BE UTILIZED.

6. PEREZ, IN REPLY TO QUESTIONS, SAID THAT CUBAN REQUIREMENTS (AS DISTINCT FROM USUAL CLEARANCE PROCEDURES) DO NOT APPLY TO "STATE FLIGHTS", INTERESTS SECTION SUPPORT FLIGHTS, OR AIRCRAFT BELONGING TO NON-AIR TRANSPORT BUSINESS CORPORATIONS.

7. MOVING ON TO LONGER-TERM FUTURE OF US-CUBAN AIR RELATIONS,

PEREZ ASSERTED THAT TIES COULD BE GOVERNED BY EITHER COMPREHENSIVE BILATERAL AIR AGREEMENT (E.G. UPDATE OF 1953 US-CUBAN AIR AGREEMENT) OR AD HOC AUTHORIZATION OF INDIVIDUAL TYPES OF SERVICE (I.E., SCHEDULED, CHARTER, OR AIR COMMUTER SERVICE). HE SAID THAT CUBA MIGHT LATER SUGGEST MOVING IN ONE OF THESE DIRECTIONS, BUT HE HAD NO INSTRUCTIONS ON MATTER NOW.

8. PEREZ SAID THAT CUBANS CONSIDER US-CUBAN BILATERAL AIR AGREEMENT OF MAY 26, 1953 TO HAVE CONTINUED IN FORCE, THOUGH ITS ANNEXES DESCRIBING SERVICES ARE OBSOLETE.

(COMMENT: PEREZ LEFT STRONG IMPRESSION THAT CUBANS WISH TO UPDATE US-CUBAN BILATERAL AIR AGREEMENT. THEY MAY WISH TO TALK ABOUT REVISION, SHOULD CUBANA REPRESENTATIVES DECIDE TO GO TO WASHINGTON.)

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PAGE 04 HAVANA 00858 142212Z

9. PEREZ ALSO SAID THAT SOME US AIRLINES HAD SPOKEN TO CUBANS ABOUT UTILITY OF ESTABLISHMENT OF "AIR COMMUTER" SERVICE, PERMITTED UNDER US REGULATIONS, FROM FLORIDA TO CUBA. PEREZ DESCRIBED HIS UNDERSTANDING OF SERVICE AS TRANSPORTATION BY SMALL AIRCRAFT CARRYING LESS THAN 30 PASSENGERS ON REGULAR OR SEMI-REGULAR BASIS. CUBANS CONCEIVE OF "AIR COMMUTER" CONCEPT AS SOMETHING SHORT OF SCHEDULED SERVICE AND PERHAPS MORE EASILY OBTAINABLE FROM U.S.

10. ACTION REQUESTED: DEPARTMENT REQUESTED TO: (A) PROVIDE ANY COMMENTS ON CUBAN CHARTER PROCEDURE DESCRIBED IN PARAS. 4 AND 5, (B) POUCH TO USINT COPY OF MAY 26, 1953 US-CUBAN AIR AGREEMENT, (C) INFORM US WHETHER IT IS FEASIBLE TO UPDATE BILATERAL US-CUBAN AIR AGREEMENT IN ABSENCE OF SCHEDULED SERVICE, AND (D) PROVIDE FURTHER DETAILS ON "AIR COMMUTER" SERVICE MENTIONED BY PEREZ.

11. ADDITIONALLY, DEPARTMENT OR CAB SHOULD NOTIFY APPROPRIATE AIRLINES AND AIR CHARTER COMPANIES INFORMING THEM OF NEW CUBAN OPERATING PERMISSION REQUIREMENTS. (PEREZ SAID TWA AND CAPITAL HAVE ALREADY BEEN NOTIFIED.) AIR COMPANIES WHICH OPERATED TO HAVANA IN FIRST ELEVEN MONTHS OF THIS YEAR WERE: AIR TAXI SERVICE, ATLANTIC AIRWAYS, MACKAY INTERNATIONAL AIRLINES, SOUTHERN AIRWAYS, NATIONAL INTERNATIONAL, INC., TROPICAL AIRWAYS, NATIONAL AIRLINES, NATIONAL JET, INC., FALCON JET INC., OPA LOCA CHARTER CO., ROBERT GRAF INC., EXECUTIVE JET AVIATION, CAPITAL INTERNATIONAL AIRWAYS, TRANS INTERNATIONAL AIRLINES, EASTERN AIRLINES, RICH INTERNATIONAL AIRLINES, FLORIDA AIRMOTIVE INC.

12. PEREZ ALSO REQUESTED COPIES OF ALL CURRENT FAA AND CAB REGULATIONS. (PRESUMABLY APPROPRIATE VOLUMES OF CFR WOULD SUFFICE.)

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PAGE 05 HAVANA 00858 142212Z

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Message Attributes

Automatic Decaptioning: X
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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